UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,813	08/27/2001	Rebecca L. Poole	STL920000084US1	2901

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EXAMINER
STEELMAN, MARY J

ART UNIT	PAPER NUMBER
2191	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action **_Before the Filing of an Appeal Brief_**	09/939,813	POOLE ET AL.
	Examiner	**Art Unit**	
	Mary J. Steelman	2191	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>29 April 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>_1-24_</u>.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See continuation sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☐ Other: _____.

REQUEST FOR RRECONSIDERATION / OTHER

11. Continued:

Applicant has argued on page 12, 1st paragraph, of Remarks, received 29 April 2005, the prior art

of record, Sheard and Green, "do not teach or suggest deciding on the number of tiers,

identifying workstations and servers within each of the tirers, and defining processing performed

by each tier and its components, in the tontext of an Integrated Development Environment...that

includes a...Composer...to graphically create and maintain a multi-tier business

application...includes a window...a palette, the palette contains graphical constructs representing

tiers and components of the tiers that are used to create and maintain a graphical representation

of themulti-tier business application i the window."

Examiner disagrees. Sheard disclosed (Col. 3, lines 16- 18, "A visual interface facilitates the

design, deployment, and runtime monitoring of an integrated information system (**IDE**)

implementation.", col. 3, lines 24-26, "Various component icons may be packaged together in

business extension modules (**multi-tier business application**) to provide users with specific

business integration capabilities", col. 6, lines 11-13, "...facilitate the design, deployment, and

runtime monitoring (**Composer to create and maintain**) of an integrated information system

comprising a number of disparage applications", col. 23, lines 10-14, "...user design a data

integration layout when the System Integration view is active by selecting various adapters and

components (**graphical constructs**) displayed in the **palette** of the visual interface. This is

achieved by dragging selected adapters (icons) from the palette and dropping them onto the

canvas (**window**)...", col. 24, lines 55-67, "...a presentation of a menu item which permits the

user to invoke a distribution planning panel...provides a tree view of the network environment

(Topological Multi-Tier Business application Composer) currently in operation for a selected

data integration project...indicate the names of the workstations...indicates the various

components operating on a particular workstation...indicates details of either component of

queue elements...") Sheard suggested (col. 3, lines 19-26) an integrated information system

visually developed built using drag and drop of component icons (identifiers). "Various

component icons...provide user with specific business integration capabilities (defined

processing performed). Sheard disclosed (col. 29, lines 32-36 & 56-60, "a meta-model

approach is used to provide a system wide specification of object and contained attribute

definitions...Each meta defined class is stored...Each attribute consists of a single line which

includes its name (identifier)..." (Emphasis added)

Green disclosed (col. 1, lines 16-21) "...the design of a software component architecture for the

development of extensible tier software component applications (**development

environment**)...". Green disclosed (col. 4, lines 56-62), "the present invention provides rules to

define and create a particular N-tier architecture (**deciding on the number of tiers**, creating a

multi-tier business application / **Topological Multi-Tier Business Application Composer**) with

a specified, initial number (developer decides on a number of tiers) and type of tiers...where

each initial tier satisfies one of a major portion of system functionality (**defines processing**

performed by each tier and its components), such as business logic..." Green disclosed (col.

3, lines 14-16) "GUID Globally unique identifier, e.g. a number having a predetermined number

of bits that uniquely identifies a software component (**identifies workstations and servers**).

Additionally, it is inherent that correctly working software, designing a multi-tier business

application would uniquely identify each component in the program.   (emphasis added)

Examiner maintains the rejection of claims 1-24.

May Steelman 5·25·05

Chameli C·Das
CHAMELI C. DAS
PRIMARY EXAMINER

5/31/05